

MICHAEL LEHNERS, ESQ.  
429 MARSH AVENUE  
RENO, NEVADA 89509  
Bar No.003331  
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DOCUMENT ECF FILED ON: 12/8/06

Attorney for Debtor

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

IN RE:

CASE NO.: 05-54727  
(Chapter 7)

SCOTT K. GREENE

Debtor.

**NOTICE OF APPEAL**

COMES NOW SCOTT GREEN the Debtor herein and appeals to the  
Bankruptcy Appellate Panel for the 9<sup>th</sup> Circuit from the Order Granting  
Trustee's Motion Authorizing Sale of Real Property Free and Clear of Liens and  
Encumbrances and Payment of Sales Commission entered in this case on  
November 29, 2006. A copy of said Order is attached hereto as Exhibit "A".

The parties to the Order appealed from, the names and addresses of  
their respective attorneys as follows:

Scott Green:  
Michael Lehnars, Esq.,  
429 Marsh Avenue  
Reno, NV 89509  
(775) 786-1695

David Rankine  
12 Taylor St.  
Reno, NV 89509  
(775) 329-6400

1 RENA Wells:

2 Jeffrey Hartman, Esq.  
3 510 W. Plumb Lane, Suite B  
4 Reno, NV 89509

5 Anabelle Savage, Trustee

6 William Cope, Esq.  
7 Cope & Guerra  
8 595 Humboldt St.  
9 Reno, NV 89509

10 Dated: This 7 day of December, 2006

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12  
13 By: 

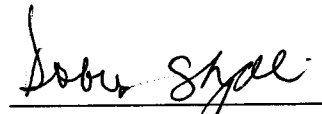
14 Michael Lehnert, Esq.  
15 429 Marsh Ave.  
16 Reno, Nevada 89509  
17 Nevada Bar Number 003331  
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**CERTIFICATE OF SERVICE BY MAIL**

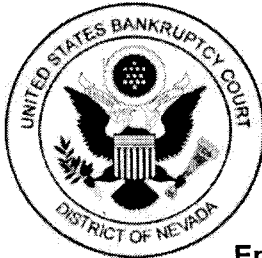
Pursuant to Federal Rule of Civil Procedure 5(b), I certify that on the 8 day of December, 2006 I deposited for mailing in the United States Post Office in Reno, Nevada, with postage thereon fully prepaid, a true copy of the within **NOTICE OF APPEAL** addressed as follows:

Jeffrey Hartman, Esq.  
510 W. Plumb Lane, Suite B  
Reno, NV 89509

William Cope, Esq.  
Cope & Guerra  
595 Humboldt St.  
Reno, NV 89509

  
Dolores Stigall

**EXHIBIT "A"**



Entered on Docket  
November 29, 2006

A handwritten signature in black ink, appearing to read "Gregg W. Zive", is written over a horizontal line.

Hon. Gregg W. Zive  
United States Bankruptcy Judge

E-filed November 29<sup>th</sup>, 2006

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

IN RE:  
SCOTT K. GREENE.

CASE NO. BK-N-05-54727-GWZ  
CHAPTER 7

**ORDER GRANTING TRUSTEE'S  
MOTION AUTHORIZING SALE OF  
REAL PROPERTY FREE AND CLEAR  
OF LIENS AND ENCUMBRANCES  
AND PAYMENT OF SALES  
COMMISSIONS**

Debtor.

Hearing Date: November 21, 2006  
Hearing Time: 10:00 a.m.

Anabelle G. Savage, the duly appointed, qualified and acting Trustee of the estate of the Debtor, Scott K. Greene, having filed her Motion for Order Authorizing Sale of Real Property Free and Clear of Liens and Encumbrances and Payment of Sales Commissions ("Motion") along with her Declaration in support of the Motion on October 25, 2006, service of the Motion and notice of hearing thereon having been made and given in the manner prescribed by applicable law, the Debtor, by and through his attorney, John White, Esq., having filed an opposition to the Motion on November 7, 2006, creditor, Reyna Wells ("Wells"), by and through her attorney, Jeffery L. Hartman, Esq., having filed a reply to the Debtor's opposition on November 15, 2006, the Trustee, by and through her attorney, William D. Cope, Esq., having filed her reply to the Debtor's opposition to the Motion on November 16, 2006, the Court having reviewed the Motion and all papers on file pertaining to the Motion, the minutes of other hearings and other pleadings, papers and records as noted on the record, the Motion having come on for hearing on above-captioned day and time,

1 appearances of the parties having been made and the parties having been heard as noted on the  
 2 record, the Court having considered all of the facts and law relative to the matter and having  
 3 in previous hearings found and concluded that the Trustee has the capacity to sell the property  
 4 described in the Motion on behalf of the estate of the Debtor, the Court's findings of the facts  
 5 and conclusions of the law having been set forth on the record, and the Court being fully  
 6 advised of the premises, and for good cause appearing, it is hereby

7 **ORDERED** that the Trustee's Motion for Order Authorizing Sale of Real Property  
 8 Free and Clear of Liens and Encumbrances and Payment of Sales Commissions is hereby  
 9 granted upon the terms and conditions provided herein, the Debtor's opposition to the Motion  
 10 is hereby denied and the Trustee is entitled to administer the net proceeds of the sale after  
 11 payment of all amounts set forth below for the benefit of the estate and its creditors subject to  
 12 the prior orders of the Court entered herein pertaining to the Wells' objection to the Debtor's  
 13 homestead exemption previously adjudicated in this case, and it is hereby

14 **FURTHER ORDERED** that the Trustee's sale of all that certain real property situate in  
 15 the County of Washoe, State of Nevada, and commonly known as 450 Alamosa, Sparks,  
 16 Nevada ("Property") to David H. and Louis C. McClenahan for the sum of \$370,000.00 cash  
 17 ("Sale") upon the terms and conditions set forth in the Offer and Acceptance Agreement  
 18 Vacant Land ("Agreement"), which Agreement is attached to the Trustee's declaration in  
 19 support of the Motion, is hereby authorized and approved, and it is hereby

20 **FURTHER ORDERED** that the Trustee hereby is authorized to take any and all steps  
 21 to make, execute, acknowledge, and deliver any and all further documents, instruments and  
 22 assurances on behalf of the Chapter 7 estate that any party to the Agreement, title company or  
 23 successor under the Agreement may reasonably require for the purposes of giving full force  
 24 and effect to the Sale, and it is hereby

25 **FURTHER ORDERED** that the Sale hereby is adjudged and decreed to be free and  
 26 clear of any interest under a declaration of homestead executed by Debtor, a Deed of Trust in  
 27 favor of Sun West Bank ("Bank"), and/or any outstanding real estate taxes, and it is hereby

28 **FURTHER ORDERED** that the Trustee's employment of Dickson Realty ("Dickson")  
 as real estate broker solely for the limited purpose of the Sale hereby is authorized and  
 approved nunc pro tunc, and it is hereby

**FURTHER ORDERED** that payment by Ticor Title Company or any successor thereto  
 under the Agreement, on behalf of the Trustee, from the proceeds of the Sale: (A) the normal

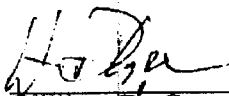
1 proration and costs of Sale in accordance with the Agreement, including real property taxes  
2 and real estate commissions in the amount of six percent of the Sale price to Dickson; and (B)  
3 the indebtedness under the Deed of Trust in favor of the Bank as provided in a properly  
4 executed demand, subject to a full reservation of rights, are hereby authorized and approved,  
5 and it is hereby

6 **FURTHER ORDERED** that payment by Ticor Title Company, or any successor thereto  
7 under the Agreement, of the balance of the proceeds remaining following the payments  
8 authorized and approved as provided hereinabove, to the Trustee to hold for the Debtor's  
9 claim of exemption against the Property in the amount of \$125,000.00 pursuant to the prior  
10 orders of the Court in this case and the remaining proceeds for use and disposition for the  
11 benefit of the estate and its creditors subject to the prior orders of the Court and in accordance  
12 with the provisions of Title 11, United States Code, is hereby authorized and approved and, it  
13 is hereby

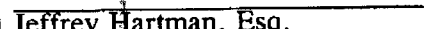
14 **FURTHER ORDERED** that this order is not stayed and the relief granted hereby shall  
15 be effective immediately upon the entry hereof, notwithstanding the provisions of Rule 6004(g)  
16 of the Federal Rules of Bankruptcy Procedure or any other provision of law.

17 Submitted by:

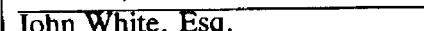
18 **COPE & GUERRA**

19   
20 William D. Cope, Esq. Attorney  
for Trustee, Anabelle Savage

21 **Approved/Disapproved**

22  
23   
24 Jeffrey Hartman, Esq.  
Attorney for Creditor, Reyna Wells

25 **Approved/Disapproved**

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27   
28 John White, Esq.  
Attorney for Debtor, Scott K. Greene

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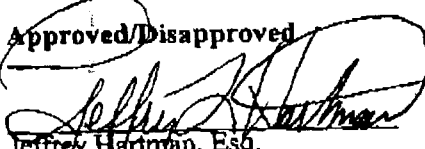
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19 for Trustee, Anabelle Savage

20 Approved/Disapproved

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22 Jeffrey Hartman, Esq.  
23 Attorney for Creditor, Reyna Wells

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25 John White, Esq.  
26 Attorney for Debtor, Scott K. Greene



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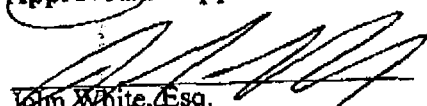
16 COPE & GUERRA

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19 for Trustee, Anabelle Savage

20 Approved/Disapproved

21 Jeffrey Hartman, Esq.  
22 Attorney for Creditor, Reyna Wells

23 Approved/Disapproved

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25 John White, Esq.  
26 Attorney for Debtor, Scott K. Greene

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